

## ORDINANCE NO. 2255

AN ORDINANCE AMENDING ORDINANCE 2175 PERTAINING TO SECTIONS 6-103, 6-105.1, 6-109.5, AND 6-110 OF THE CODE OF THE CITY OF GARDNER CHAPTER 6 ANIMAL CONTROL AND PROTECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

**SECTION ONE:** That Section 6-103 is hereby amended to read as follows:

### 6-103 SPECIAL PERMIT FOR PROHIBITED ANIMAL.

103.1 A special permit can be issued to persons requesting permission to keep or harbor any animal deemed prohibited by any section of this ordinance, or for permission to house more than a total of four dogs and cats in any combination. To obtain a special permit, persons shall make application in writing detailing the purpose and circumstances for the special permit. The Director of Public Safety, or designee, can grant a Special Permit, to include any special conditions and/or restrictions, only after review of the application and pertinent documents/reports and the applicable fees are paid.

**103.2 If the Special Permit application is denied by the Director of Public Safety, or designee, the animal(s) shall immediately be removed from the city limits. If the animal(s) are not immediately removed from the City, the Animal Control Officer may issue a summons into court for the specified violation(s). Additionally, the animal(s) shall immediately be removed from the location where they are being housed and lodged at the Animal Control Facility, at the owner's expense, until final disposition of the case by the court, or special order(s) are rendered by the Municipal Court Judge.**

103.4 Upon approval of the Special Permit, periodic checks by the Animal Control Officer can be made to ensure that any of the required conditions or restrictions for the Special Permit(s) are being adhered to. Failure to comply with any of the conditions or restrictions of the Special Permit(s) shall be grounds for revocation of the Special Permit by the Director of Public Safety or designee.

**103.5 In the event that a Special Permit is revoked, the Animal Control Officer may issue a summons into court for the specified violation(s). Additionally, the animal(s) shall immediately be removed from the location where they are being housed and lodged at the Animal control Facility, at the owner's expense, until final disposition of the case by the court, or special order(s) are rendered by the Municipal Court Judge.**

**SECTION TWO:** That Section 6-105.1 is hereby amended to read as follows:

6-105 LICENSE FEE. An approved license or permit shall be issued after payment of the applicable fee.

- 105.1 The applicable fees are:
- A. For each unneutered male dog/cat.....\$14.00
  - B. For each unspayed female dog/cat .....\$14.00
  - C. For each neutered male dog/cat.....\$7.00
  - D. For each spayed female dog/cat .....\$7.00

- E. Special Permit .....\$55.00
- F. Breeders Permit.....\$30.00

**SECTION THREE:** That Section 6-109.5 is hereby amended to read as follows:

- 109.5 Any currently vaccinated animal covered by permit as required in this Chapter may be claimed by its owner upon payment of an impoundment fee and boarding fee as follows:
  - A. Impoundment fee:
    - 1. \$25.00 - first offense
    - 2. \$50.00 – second offense
    - 3. \$75.00 – third and each subsequent offense
  - B. Boarding fees of \$25.00 per day, beginning with the first day of impoundment.

**SECTION FOUR:** That Section 6-110 is hereby amended to read as follows:

- 110.1 **When a complaint is received regarding a potentially vicious animal, the Animal Control Officer shall respond to the complaint and initiate an investigation. If in the opinion of the Animal Control Officer, the animal would pose an immediate threat to the general public or other animals if not removed from the location where the animal is housed, the animal shall be impounded, at the owner's expense, at the approved Animal Control Facility until completion of the investigation.** The Public Safety Director, **or designee**, after proper investigation, may declare an animal vicious and shall require a special permit with special conditions such as secure fencing to contain the animal, protection devices such as muzzles, or other conditions that would protect persons and animals. The animal, if it was impounded, shall remain in the Animal Control Facility until the conditions of the special permit are met. Additionally, the Public Safety Director, or designee, may also deem the animal not vicious, at which time the animal shall be released from custody of the Animal Control Facility at no expense to the owner.
- 110.2 If the Public Safety Director determines that special conditions are not appropriate, or if the special conditions have not been followed, or the animal has been involved in a bite case since the imposition of special conditions, the Public Safety Director may have a summons to appear in Municipal Court issued to the owner. The Municipal Court may impose special restrictions, require that the animal be permanently removed from the City or humanely euthanized.
- 110.3 The Judge of the Municipal Court may, as part of a court proceeding on a city ordinance violation or as a separate proceeding, determine that an animal is vicious and render judgment with the imposition of special conditions, removal from the city, or humanely euthanized. **In the event that a summons has been issued to the owner of an animal which has been deemed vicious, and delaying the court hearing to the next available court date would not be in the best interest of public safety, the Public Safety Director, or designee, may request a special hearing with the Judge of the Municipal Court to render judgment on the disposition of the animal(s).**

**SECTION FIVE:** That this Ordinance shall take effect and be in force from and after its adoption by the City Council and publication in the official City Newspaper.

PASSED and APPROVED this 17<sup>th</sup> day of December, 2007.

ATTEST:

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Teresa Anderson, City Clerk  
(Seal)

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Carol Lehman, Mayor